

REMARKS

Upon entry of the present amendment, claims 1-3 and 5-8 remain in the application. Claims 3 and 4 are canceled without prejudice.

35 USC §102 (b) Rejection

Claims 1-7 were rejected on the basis of 35 USC §102 (b) as being anticipated by Rosa et al. (U.S. patent 5,518,561). Rosa was cited for its disclosure of a graphic display. It was stated that the EL lamp layer of figure 2 reads upon the instant "color providing film layer" and comprises electroluminescent material. The translucent film was stated to read upon the mid-coat film layer formed on the color providing film. The protective layer was stated to read upon the "at least partially-transparent film layer". The EL lamp was disclosed as being energized with electric current per instant claim 2. The EL lamp, translucent film and protective layer are disposed on adhesive and were stated to read upon the decal limitation of claim 3. The EL material of the EL lamp is comprised of a composition of luminescent particles and resin per instant claim 4. Instant claim 5 was considered to be a product by process limitation. The translucent film which was said to read upon "mid-coat layer" was stated to comprise an inked image per the instant claim 6 limitation requiring an opaque pigment for selective masking of the color providing film layer.

Applicants submit that claims 1-7 are not anticipated by the Rosa et al. reference. The claims as amended more specifically define the electroluminescent coating system and the coating compositions that make up the coating system. The instant claims are distinguished from Rosa et al. as the instant claims teach a color providing coating composition containing electroluminescent phosphor that is applied directly to an automobile substrate, whereas Rosa et al. teaches and defines a lamp that has an electroluminescent material bonded between a conventional opaque electrode layer and a transparent layer and the lamp is bonded to the substrate. In the instant claims there is no lamp bonded to the substrate, rather the automotive vehicle itself has a coating layer applied directly thereon and the pigment in the coating contains electroluminescent phosphor. The phosphor may be excited by either induction or direct electrical contact. This is described on page 8, lines 1-2. As defined in claim 2, the phosphor in

the color-providing coating composition is excited by electrical induction. Applicants respectfully request reconsideration of the claims and withdrawal of the rejection.

Claims 1-3 were rejected under 35 USC §102(b) as anticipated by JP11-059267. This reference was cited for disclosing a thin moisture-proof EL light. The fluorescent layer was stated to read upon the color providing layer. The transparent electrode layer was stated to read upon the mid-coat layer. The protection film was stated to read upon the instant clearcoat film. The EL light emitting mark is disclosed as a decal and comprises adhesive for mounting to a member per instant claim 3. The electrodes connect to an electrical source per instant claim 2. The instant claims are distinguished from the reference as the instant claims define a phosphorescent coating applied directly to an automotive substrate and do not define an EL light emitting decal adhesively mounted to the vehicle. Applicants accordingly request reconsideration of the claims and withdrawal of the rejection.

Claims 1, 2, 4, and 5 were rejected under 35 USC §102(e) as anticipated by Abe et al. (U.S. patent 6,441,551). Abe was cited for disclosing an electroluminescent device and apparatus. It was stated that in Figure 3, layer (8) is a luminescent layer comprising luminescent particles, which reads upon the instant "color-providing film layer" per instant claim 1. In Figure 3, the transparent conductive layer (2) was stated to read upon instant claim 1 "at least partially-transparent mid-coat film layer". In Figure 3, the filter layer (9) was stated to read upon the instant claim 1 "at least partially-transparent clearcoat film layer". The electroluminescent device is connected to an electric power source per instant claim 2. The luminescent layer is formed from a combination of paint and luminescent particles per the instant claim 4 requirement that "said color-providing film layer is formed from a color-providing composition applied to the substrate". Claim 5 was considered a product by process claim.

The instant claims are distinguished from the Abe et al. reference for the reason that the reference teaches and claims a liquid crystal layer placed over a light emitting surface. The instantly defined invention does not include a liquid crystal layer. There is no liquid crystal layer taught or defined in the instant application and claims. The claims are further distinguished from Abe et al. which teaches that the EL element is a sheet-form EL element comprising a luminescent layer interposed between a transparent conductive layer and a rear electrode. The instant claims define that the vehicle itself forms the substrate that is illuminated. There is no

transparent conductive layer and no rear electrode. Accordingly, reconsideration of the claims and withdrawal of the 35 USC §102(e) rejection is respectfully requested.

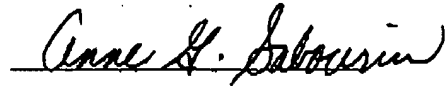
Rejection under 35 USC §103(a)

Claim 8 was rejected under 35 USC §103(a) as unpatentable over Abe et al. Abe was relied upon for the rejection of claim 1 as set forth above. Abe teaches a luminescent layer which was stated to read upon the color providing film of claim 1. The office action stated that Abe et al. failed to teach specifically the luminescent layer comprises further "an at least partially transparent pigment" in combination with said electroluminescent phosphor". Abe et al was stated to teach further kinds of particles in addition to the luminescent particles may be used in the luminescent layer such as particles of glass and coloring materials. The office action concluded that it would have been obvious to one of ordinary skill in the art to select transparent glass and further coloring materials including partially transparent pigments to use with the luminescent particles, because Abe teaches such further components may be used in the electroluminescent layer.

Applicants submit that claim 8 is not obvious in view of Abe et al. for the reason that claim 8 defines the color providing coating applied directly to the substrate as comprising partially transparent pigment. The Abe et al. reference defines a liquid crystal display applied to a light emitting surface and a surface of the color filter layer forms the light emitting surface. The Abe et al. Specification teaches that the color filter layer is bonded to the transparent substrate of the transparent conductive layer by adhering the transparent substrate and the color filter layer through a transparent adhesive layer or adding a transparent adhesive to the color filter layer and adhering the color filter to the transparent substrate. The instant claims are distinguished from the reference as they define that the color layer is a color coating and not a color filter layer adhesively bonded to a substrate. Abe et al. does not suggest or define that the color layer may be applied to the substrate in the form of a coating composition. Accordingly it is submitted that claim 8 is not obvious in view of the reference and withdrawal of the rejection and is respectfully requested.

Applicants submit that the claims as presented are not obvious or anticipated by the cited references for the reasons set forth above. Accordingly allowance of the claims is respectfully requested.

Respectfully submitted,



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